FINAL CHARTS OF DEPOSITIONS AND OTHER PRIOR TESTIMONY DESIGNATIONS

<u> </u>			_	a	se	0	1-	0.	11	.3	9-	Α	M	C		D	00		23	57	6-	1		Εi	le	<u>1</u> 1	LO,	2	7/0)9	_	Pε	ge	2	0	80)
COUNTER-	DESIG.	20:19-21:6	22:25-23:7							-				_																							
PPS' CURRENT	POSITION	Objections (2)-(4)	Maintained		• 11:25-12:15: R ¹	■ 13·10 22· D		• 14:9-15:10: R	● 15·11-15·15· B E	I'VI 'CI'CI - I'VI'.	• 15:16-17:1: R	• 19:1-19:24: R	■ 10:25 20:7: D E	1).22-20.7. IV. I	• 20:8-11: R	• 20:12-18. HFR	- 21:20 of it is	• 21:20-25: H, K	• 22:1-3, 22:21-24: R	• 23:8-24:8· R	□ 0.0.0.0.0.0 □	1,1,-2,-2,-1,1,1	• 25:16-24: R, F	• 25:25-30:5: R	• 31:17-32:14· R	• 38·13-40:20: B	7.02.17-40.20. N	• 40:21-41:12: K, F	• 41:13-19: R, F,	Rule 403	• 41:20-42:18: R.	Rule 403	• 42:19-25: R	• 46·19-48·15· B	• 48·16-40·7· P E	• 49.8-12. R F H	• 49:13-50:18: R
FILED	KESPONSE	(1) [Insurers']	objections	resolved by	stipulation,	see 9/23/09	filing ID I	Linnig, [D.1.	23330];	designations		noted nere	conform to the	stipulation.		11. 10. (0)	(2) "Libby	Claimants'	Response to	DP's Motion	in I imin "	ılı Fillille	[D.I. 23019]														
FILED OBJECTIONS	(1) (6.4		[D.1. 23018], joined by CNA [D.1.	2304 / J, and Maryland Casualty [D.I.	23087]; (see also "Objections" filed by	Arrowood [D.I. 22901]; CNA [D.I.	22892], and Maryland Casualty (D) I	20007)	([06877]		(7) "Plan Prononents" Motion in		Limine [D.1. 22/98]		(3) "Plan Prononents' Objections"	(2) 1 220021	[D.I. 22303]		(4) "Motion in Limine" [D.I. 23184]																		
SUMMARY	**! ibby () important	42 - January Claumanns Seck	21 individuals with and a	zi iliaividuais wilo settled	Libby asbestos claims	with Grace pre-	bankruptcy. The	designations reflect the	designations remediate	nature of exposures in and	around Libby and the	impost of discoss This	impact of disease. This	lestimony supports the	Libby Claimants,	objection that the Dlan	documentar including	does not pay claimants	based on historical values	for substantially similar	claims.																
TESTIMONY	11.25_12.15.	13:10 22: 14:0	17.1.19.1_20.18.	21:20 22:30:30	21:20-22:3; 22:21-	24; 23:8-24:24;	25:16-30:5; 31:17-	32.14.38.13.	40.00 47.10	42:25; 46:19-	50:18.																										
NAME	Mary Ruth	Albert	Albert v W R	Grand of al	Orace, et al.,	Cause No.	DV-97-87.	66/92/8											_										_								

¹ R: Relevance; H: Hearsay; F: Foundation

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
Stuart	26:11-27:10;	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers,]	Objections (2)-	32-10-22
Cannon	32:25-35:13; 63:3-	individuals.	[D. I. 23018] joined by CNA [D. I	ohiections	(4) Maintained	77-01-77
יי איסאשט	15.88.7 80.10.		220471 136 1 10 1. Ex			
	13, 86:2-69:10;		2304 / J, and Maryland Casualty [D.I.	resolved by		
W.R. Grace,	99:3-100:1; 100:4-		23087]; (see also "Objections" filed by	stipulation,	• 26:11-27:10: R	
et al., Cause	12.		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 32:25-33:3· R	
-96-A			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 33:4-10: R. H	
1. 8/23/99			22896])	23330];	• 33:11-35:13: R	
				designations	63.3_15. P	
			(2) "Plan Proponents' Motion in	noted here	● 88·2-89·3· B	
			Limine " [D.I. 22798]	conform to the	• 89.4-10. R H	
				stipulation.	- 07.7-10. IX, II	
			(3) "Plan Proponents' Objections"	•	• 99:3-100:1: K	
			[D.I. 22903]	(2) "Libby	• 100:4-12: R	
				Claimants'		
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Edward Nick	20:24-22:1; 23:14-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	28:14-19
Carvey	28:1; 43:7-16;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	46:10-23
Carvey v.	45:2-46:9; 49:21-		23047], and Maryland Casualty [D.I.	resolved by	`	
W.R. Grace,	50:3.		23087]; (see also "Objections" filed by	stipulation,	• 20:24-21:9: R	
et al., Cause			Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 21:10-11: R. F	-
No. CV-98-			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 21:12-22:1: R	
142-M-DWM			22896])	23330];	• 23:14-28:1: R	
and CV-99-				designations	■ 43.7-16. B	
104-M-LBE.			(2) "Plan Proponents' Motion in	noted here	• 45.7-16. IX	
12/15/99			Limine" [D.I. 22798]	conform to the	• 49.21-50.3. R	
				stipulation.	VI . C. OC-12. CL	
			(3) "Plan Proponents' Objections "	•		
			[D.I. 22903]	(2) "Libby		
				Claimants'		
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
Carl E. Craig	37:12-19; 38:15- 20: 40:6-21: 41:9-	**See above re 21 settled individuals	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	37:7-11
	42:20; 45:20-49:4;	<u> </u>	230471, and Maryland Casualty [D.I.	objections resolved hv	(4) Maintained	/9:10-24
·	49:19-51:7; 52:1-		23087]; (see also "Objections" filed by	stipulation,	• 37:12-19: R	
	53:16; 54:7-56:13;		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 38:15-20: R	
	58:18-59:14; 60:1-		22892], and Maryland Casualty [D.I.	filing, [D.I.	• 40:6-21: R	
_	61:7; 67:6-16;		22896])	23330];	• 41:9-42:20: R	
	77:4-79:9; 91:10-			designations	• 45·20-49·4· B	
	92:2.		(2) "Plan Proponents' Motion in	noted here	• 49·19.51·7· B	
			Limine" [D.I. 22798]	conform to the	• 42:12-21:7. IX	
				stipulation.	- 54.7 57.10. IV	
			(3) "Plan Proponents' Objections"		• 54:/-50:15: K	
			(D.I. 229031	(2) "Libby	• 58:18-24: R	
			,	Claimants'	• 58:25-59:6: R,	
			(4) "Motion in Limine" [D.I. 23184]	Response to	щ	
				PP's Motion	• 59:7-14: R	
				in Limine"	• 60:1-13: R	
				[D.I. 23019]	• 60:14-17: R, F	
				7	• 60:18-61:7: R	
					• 67:6-16: R	
					• 77:4-79:9: R	
					• 91:10-92:2: R	

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
Carrie M	16.7 25. 24.14	**	747.62.4		POSITION	
Deduit.	10.7-23, 24.14-	See above re 21 semied	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	
Dearick	75:3; 36:12-38:8;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Dedrick v.	44:23-45:1; 45:17-		23047], and Maryland Casualty (D.)	recolud hy	POINTERINAL ()	
W R Grace	46.2. 46.14_16.		22007. (2) COLL 1 CONTROL CONTROL OF THE CONTROL OF	resolved by		
of al Cougo	47:10 15:57:10		2308/]; (see also "Objections" filed by	stipulation,	• 16:7-25: R	
et at., Cause	47.10-13, 37.19-		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 24:14-25:3· R	
No. DV-99-	22; /4:18-75:25;		22892], and Maryland Casualty [D.I.	filing. [D.I.	d. 26.1777.15. D	
124.	78:3-20.		22896])	233301	A 50:12-:37:13: K	
06/26/00				designations	• 37:16-38:1: R,	
			(7) "Dism Dusassutt. 3 Meeting 1	designations	· Y-4	
			(2) rian rioponelles Mollon in	noted here	• 38:2-8: R	
			Lumme [D.1. 22/98]	conform to the	• 44:23-45:1: R	
				stipulation.	G C.27 71.34	
			(3) "Plan Proponents' Objections"		A 43.17-40.2; K	
			[D.I. 22903]	(2) "T.jhbv	• 46:14-16: R	
			1	Claimante'	• 47:10-15: R	
-			(4) "Motion in Limine" [D.I. 23184]	Response to	• 57:19-22: R	
				PP's Motion	• 74:18-75:25: R	
				in Limine"	• 78:3-20: R	
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	-
Kenneth	17:11-21:21; 50:1-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	52:14-21
Finstad	52:13; 54:13-56:6;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Finstad v.	92:23-94:24.		23047], and Maryland Casualty [D.I.	resolved by	·	
W.R. Grace			23087]; (see also "Objections" filed by	stipulation,	• 17:11-21:21: R	
et al, Cause			Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 50:1-52:13: R	
No. DV-98-			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 54:13-56:6: R	
139. 3/22/99			22896])	23330];	• 92:23-94:24: R	
				designations		
			(2) "Plan Proponents' Motion in	noted here		
			Limine" [D.I. 22798]	conform to the		
				stipulation.		
			(3) "Plan Proponents' Objections"			
			[D.I. 22903]	(2) "Libby		
				Claimants'		
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
Daniel	7:25-8:21: 10:3-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [[nsurers,]	Ohiections (?)-	
Garrison Sr	11.15.12.12.15.1.	indixiduale	TD 1 220181 Sound by CN A ID I	chioations	(4) Meinterine 3	
Carrison, or.	11.13, 12.12-13.1,	illuly iduals.	[D.1. 23010], Joined by CINA [D.1.	oolecnous	(4) Maintained	
Garrison v.	109:21-110:2;		23047], and Maryland Casualty [D.I.	resolved by		
W.R. Grace,	111:5-114:18;		23087]; (see also "Objections" filed by	stipulation,	• 7:25-8:21: R	
et al., Cause	116:9-20.		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 10:3-11:15: R	
No. DV-98-			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 12:12-17: R	
132.			22896])	23330];	• 12:18-23: R H	•
05/28/00				designations	12.24-15.1. B	
			(2) "Plan Proponents' Motion in	noted here	100.21 110.2.	
			Limine " [D.I. 22798]	conform to the	• 109.21-110.2. D	
				stipulation.	IN . 111.5 114.10.	
-			(3) "Plan Proponents' Objections"	4	• 111:5-114:18:	
			[D.I. 22903]	(2) "Libby	K 117.0.20. D	
				Claimants'	• 116:9-20: K	
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Edward A.	6:9-8:9; 8:18-21;	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	19:23-25
Gaston	19:16-18; 24:12-	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	24:15-21
Gaston v.	14; 24:22-26:2;		23047], and Maryland Casualty [D.I.	resolved by		9-8-92
W.R. Grace,	27:6-20; 28:7-14;		23087]: (see also "Objections" filed by	stipulation	9.6.8.6.9	32.23
et al., Cause	29:24-31:3; 31:14-		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 8·18-71· R	38:22-23
No. DV-98-	32:22; 33:5-21;		22892], and Maryland Casualty [D.I.	filing, [D.I.	• 10·16_18· B	60: 4-17
142.	34:6-12; 37:5-		22896])	233301:	• 17.10-16. IX	
03/22/99	38:21; 44:3-45:17;		1	designations	• 24.12-14. N	
	58:16-60:1.		(2) "Plan Proponents' Motion in	noted here	• 24:22-26:2: K	
			Limine" [D.I. 22798]	conform to the	• 2/:0-20: K	
				ctinulation	• 28:7-14: R	-
			(3) "Plan Prononents' Objections"	supulation.	• 29:24-31:3: R	
				(0) (01 :1,1,2.	• 31:14-32:22: R	
			[7:1: 22303]	(2) LIDDY	• 33:5-21: R	
				Claimants	• 34·6-12· B	
			(4) "Motion in Limine" [D.I. 23184]	Response to	74.0-12. IV	
				PP's Motion	• 37:5-38:21: R	
				in Limine"	• 44:3-45:17: R	
				[D.I. 23019]	• 58:16-60:1: R	

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
,					POSITION	
Robert L.	8:14-17; 69:24-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	
Graham	72:8.	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Graham v.			23047], and Maryland Casualty [D.I.	resolved by		
W.R. Grace,			23087]; (see also "Objections" filed by	stipulation,	• 8:14-17: R	
et al., Cause			Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 69:24-70:6: R	
No. DV-97-			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 70:7-23: R. H	
50. 09/05/97			22896])	23330];	• 70:24-71:18: R	
				designations	• 71.21-72.8· R	
			(2) "Plan Proponents' Motion in	noted here	H	
			Limine" [D.I. 22798]	conform to the	1	
				stipulation.		
			(3) "Plan Proponents' Objections"			
-			[D.I. 22903]	(2) "Libby		
				Claimants'		
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

COUNTER-	DESIG.										
PPS'	CURRENT	Objections (2)- (4) Maintained	17:17-18:1: R20:10-16: R21:8-15: R	• 22:10-26:17: R	• 27:4-25: R • 29:2-31:21: R						
FILED	RESPONSE	(1) [Insurers'] objections resolved by	stipulation, see 9/23/09 filing, [D.I.	23330];	noted here conform to the	stipulation.	(2) "Libby	Claimants' Response to	PP's Motion	in Limine"	[D.I. 23019]
FILED OBJECTIONS		(1) "Arrowood Motion to Strike" [D.I. 23018], joined by CNA [D.I. 23047], and Maryland Casualty [D.I.	2508 / J; (see also "Objections" filed by Arrowood [D.I. 22901]; CNA [D.I. 22892], and Maryland Casualty [D.I.	22896])	(2) "Plan Proponents' Motion in Limine" [D.I. 22798]	(3) "Plan Proponents' Objections"	[D.I. 22903]	(4) "Motion in Limine" [D.I. 23184]			
SUMMARY		**See above re 21 settled individuals.									
TESTIMONY		17:17-18:1; 20:10- 16; 21:8-15; 22:10- 26:17; 27:4-25;	27.2-51.21.								
NAME		William J. Hagerty Hagerty v.	et al., Cause No. 99-116-	M-DM w. 01/12/00							

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	,Sdd	COUNTER.
				RESPONSE	CURRENT	DESIG.
(POSITION	
James G.	11:11-15:21; 32:7-	**See above re 21 settled	(1) "Arrowood Motion to Strike "	(1) [Insurers']	Objections (2)-	
Hopkins	13; 59:9-60:22;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Hopkins v.	62:12-17; 63:9-16;		23047], and Maryland Casualty [D.I.	resolved hv		
W.R. Grace,	67:14-69:2; 79:11-		23087]: (see also "Objections" filed by	stimilation	• 11.11 15.01. D	•
et al Cause	81:18: 82:21-		Arrowood ID I 220011: CNA ID I	225 0/22/00	A 11.11-11.11. V	
No DV 00	93:13: 113:20		200001 13.6 1 1.6 1.1.	see 7/23/09	• 32:7-13: K	
117	03.13, 112.20-		22892], and Maryland Casualty [D.I.	filing, [D.I.	• 59:9-60:22: R	
113.	113:18.		22896])	23330];	• 62:12-17: R	
07/77/00				designations	• 63.9.16. B	
			(2) "Plan Proponents' Motion in	noted here	• 67:14 60:7: D	
			Limine" [D.I. 22798]	conform to the	07.14-09.2. R	
			1	stipulation.	• /9:11-81:18: K	
			(3) "Plan Proponents' Objections"	-	• 82:21-83:13: R,	
	-		[D.I. 22903]	v44i, T" (C)	Ħ	
				(2) Encoy	• 112:20-113:18:	
				Cialillalits	Δ.	
			(4) "Motion in Limine" [D.I. 23184]	Response to	4	
				PP's Motion		
				in Limine"		
				[D.I. 23019]		
						_

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Jack	8:14-9:16; 10:10-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	
Kenworthy	24; 11:8-12:15;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Kenworthy v.	13:10-18:15;		23047], and Maryland Casualty [D.I.	resolved by	` '	
W.R. Grace,	18:24-20:9; 26:13-		23087]; (see also "Objections" filed by	stipulation,	• 8:14-21: R	
et al., Cause	16; 27:20-28:24.		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 8:22-9:4: R. H	
No. DV-99-			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 9:5-16: R	
185. 12-17-			22896])	23330];	• 10:10-13: R, H	
66				designations	• 10·14-24· R	
			(2) "Plan Proponents' Motion in	noted here	• 10.14-24; X	
			Limine " [D.I. 22798]	conform to the	• 11:0-12:10. IX	-
				stipulation.	T19.74 20.0.0	-
			(3) "Plan Proponents' Objections"		• 18:24-20:9: K	
			[D.I. 22903]	(2) "Libby	• 26:13-16: K	
				Claimants,	• 27:20-28:24: K	
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
Coul Lond	15.3 5.15.0	- C			POSITION	
Call Laison	17:19:01:70:01:1	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	
Larson v.	77.76; 21:7-28:11;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
W.K. Grace	35:3-40:18; 48:6-		23047], and Maryland Casualty [D.I.	resolved by		
et al, Cause	20; 50:14-51:13;		23087]; (see also "Objections" filed by	stipulation	• 15.3_5. B	
No. DV-98-	51:25-56:18;		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	15:0 16:6. D	
83, 1/12/99.	57:23-58:23; 61:9-		22892], and Maryland Casualty [D.]	filing ID I	15.7-10.0. N	
	14.		22896])	23330].	• 10:/-10: K, F	
	_			dogianotions	• 10:11-17:18: K	
	_		(7) "Dian Drangment" Matin.	nesignations	• 21:7-13: R	
			Timine "I Oponellis Molloll III	noted here	• 21:14-21: R, F	
			Lining [D.1. 44/90]	conform to the	• 21:22-28:11: R	
			d 143 (2)	stipulation.	• 35.3_40.18. P	
			(3) "Plan Proponents' Objections "		40 CO. T.	
			[D.I. 22903]	(2) "Libby	• 48:6-20: K	
				Claimants,	• 50:14-51:13: R	
			(4) "Motion in Limine" [D.I. 23184]	Response to	• 51:25-56:18: R	
			1	PP's Motion	• 57:23-58:23: R	
				in Limine"	• 61:9-14: R	-
				[D.I. 23019]	•	
				_	_	_

COUNTER-	DESIG.	72:10-11	-
PPS'	CURRENT	Objections (2)- (4) Maintained • 30:3-7: R • 34:22-38:25: R • 39:23-41:3: R, H • 68:12-72:6: R • 73:19-25: R • 83:11-77:19: R • 82:15-83:1: R, H • 82:15-83:1: R, H • 83:2-13: R • 83:2-13: R	• 86:22-87:12· R
FILED	RESPONSE	(1) [Insurers'] objections resolved by stipulation, see 9/23/09 filing, [D.I. 23330]; designations noted here conform to the stipulation. (2) "Libby Claimants' Response to PP's Motion in Limine" [D.I. 23019]	
FILED OBJECTIONS		(1) "Arrowood Motion to Strike " [D.I. 23018], joined by CNA [D.I. 23047], and Maryland Casualty [D.I. 23087]; (see also "Objections" filed by Arrowood [D.I. 22901]; CNA [D.I. 22892], and Maryland Casualty [D.I. 22896]) (2) "Plan Proponents' Motion in Limine " [D.I. 22798] (3) "Plan Proponents' Objections " [D.I. 22903] (4) "Motion in Limine " [D.I. 23184]	
SUMMARY		**See above re 21 settled individuals.	
TESTIMONY		30:3-7; 34:22- 38:25; 39:23-42:3; 68:12-72:6; 73:19- 74:4; 75:11-77:23; 81:18-84:5; 86:22- 87:12.	į
NAME		John B. Lyle Lyle v. W.R. Grace, et al., Cause No. DV-95-29. 02/03/98	

TER-						_									_					_	
COUNTER-	DESIG.				_																
PPS'	CURRENT	POSITION	Objections (2)-	(4) Maintained		• 23:10-25:13: R	• 27:9-29:15: R	• 34:14-35:12: R	• 35:13-18: R. H	25:10 21: D	• 35:19-21: K	36.1 10. D	7.000.1-19. N	• 30:20-23: K, F,	Assume Fact	Not in	Evidence	• 45:11-46:16: R	• 50:1-21: R	• 52:1-20: R	• 53:2-54:6: R
FILED	RESPONSE		(1) [Insurers']	objections	resolved by	stipulation,	see 9/23/09	filing, [D.I.	23330];	designations	noted here	conform to the	stipulation.	·	(2) "Libby	Claimants'	Response to	PP's Motion	in I imine"	ID I 230191	[
FILED OBJECTIONS		71/2/2	(1) "Arrowood Motion to Strike "	[D.I. 23018], joined by CNA [D.I.	23047], and Maryland Casualty [D.I.	23087]; (see also "Objections" filed by	Arrowood [D.I. 22901]; CNA [D.I.	22892], and Maryland Casualty [D.I.	22896])		(2) "Plan Proponents' Motion in	Limine" [D.I. 22798]		(3) "Plan Proponents' Objections"	[D.I. 22903]		(4) "Motion in Limine" [D.I. 23184]				
SUMMARY		- 1	See above re 21 settled	individuals.																	
TESTIMONY		23.10 25.12. 27.0	23.10-23.13, 27.3-	29:15; 34:14-	36:23; 45:11-	46:16; 50:1-21;	52:1-20; 53:2-	54:6.													
NAME		Thomas E	M.	Murray	Murray v.	W.K. Grace,	et al., Cause	10. CV-98-	141-IVI-DW IVI	alla C v - 33-	103-M-	DWM.	10/10/39								

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	'Sdd	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Robert D.	6:18-22; 7:19-8:8;	**See above re 21 settled	(1) "Arrowood Motion to Strike "	(1) [Insurers']	Objections (2)-	7:10-14
Nelson	11:23-12:17;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Nelson v.	43:20-44:3; 45:1-		23047], and Maryland Casualty [D.I.	resolved by		
W.R. Grace,	10; 46:9-47:13;		23087]; (see also "Objections" filed by	stipulation,	• 6:18-22: R	
et al., Cause	49:8-50:10; 51:23-		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 7·19-8·8· R	
No. DV-98-	53:15; 60:17-		22892], and Maryland Casualty [D.I.	filing, [D.I.	• 11.73-17.B	
107.	61:11; 61:25-62:6.		22896])	23330];	■ 43:20-44:3. B	
12/09/99			ì	designations	• 45.20-44.5. IX	
			(2) "Plan Proponents' Motion in	noted here	• 45.1-10. IX • 46:0 47:13: D	
			Limine" [D.I. 22798]	conform to the	• 49.8-50.10. R	
				stipulation.	• 51:02 52:15. D	
			(3) "Plan Proponents' Objections "		• 51:23-55:15: N	
			[D.I. 22903]	(2) "Libby	• 60:1/-61:11: K	
				Claimants,	• 01:23-62:6: K	
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
_		-		in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
John Parker, M.D. In re W.R. Grace & Co.,	121:2126:21.	Discussing Libby asbestos disease in relation to other amphibole cohorts and as	(1) "Objections" filed by Arrowood [D.I. 22901]; CNA [D.I. 22892], and Maryland Casualty [D.I. 22896])		Objection (2) Maintained	115:20- 117:22
et al, Debtors, Case No. 01-		more clinically significant when compared to	(2) "Plan Proponents' Objections" [D.I. 22903]			
01139(JKF), 6-9-09.			123:19-124:17: Relevance 125:21-126:3: Relevance 126:15-21: Relevance, Foundation			

	()	COLLINATION	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Oarlene J.	15:16-18; 32:9-23;	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	
(Toni) Riley	58:1-11; 59:15-	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Riley v. W.R.	60:6; 61:23-64:14;		23047], and Maryland Casualty [D.I.	resolved by	`	
Grace, et al.,	88:5-24.		23087]; (see also "Objections" filed by	stipulation,	• 15:16-18: F, R	
Cause No.			Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 32:9-23: R	
DV-96-111.			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 58:1-11: R	
12/10/96			22896])	23330];	• 59:15-60:6: R	
				designations	• 61.23-64.14. R	
			(2) "Plan Proponents' Motion in	noted here	■ 88.5_27. B	
			Limine" [D.I. 22798]	conform to the	VI .47-C:00	
•				stipulation.		
			(3) "Plan Proponents' Objections"			
			[D.I. 22903]	(2) "Libby		
				Claimants'		
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Wilma R.	20:15-25; 21:14-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	56:3-6
Shearer	22:5; 23:5-13;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Shearer v.	26:3-14; 28:12-		23047], and Maryland Casualty [D.I.	resolved by	`	-
W.R. Grace,	29:18; 31:6-17;		23087]; (see also "Objections" filed by	stipulation,	• 20:15-25: R	
et al., Cause	56:10-58:3;		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 21:14-22:5: R	
No. DV-97-	100:18-102:1;		22892], and Maryland Casualty [D.I.	filing, [D.I.	• 23·5-13· B	
140.	102:18-103:7;		22896])	23330];	■ 26:3_14: R	
02/04/98	110:11-113:12;		ì	designations	• 20.7-14. IX	
	113:24-114:11.		(2) "Plan Proponents' Motion in	noted here	• 20.12-29.10. R • 31.6 17. D	
			Limine" [D.I. 22798]	conform to the	• 51.0-17.1X	
				stipulation.	- 20.10-26.5. IN	
			(3) "Plan Proponents' Objections"	•	• 100:18-102:1,	
-			[D.I. 22903]	(2) "Libby	102:18-103:/,	
				Claimants'	112:24 114:11	
			(4) "Motion in Limine" [D.I. 23184]	Response to	113:24~114:11: D	
				PP's Motion	4	_
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Verle Vinson	11:2-7; 13:24-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	
Vinson v.	15:22; 16:2-13;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
W.R. Grace	18:12-24; 21:13-		23047], and Maryland Casualty [D.I.	resolved by	`	
et al, Cause	22:4; 26:19-27:10;		23087]; (see also "Objections" filed by	stipulation,	 All designated 	
Nos. CV-98-	28:25-29:23; 32:5-		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	testimony:	
113/CV-99-	12; 37:5-39:13;		22892], and Maryland Casualty [D.I.	filing, [D.I.	Relevance	
68, 12-15-99	45:17-46:9.		22896])	23330];		
				designations		
-			(2) "Plan Proponents' Motion in	noted here		
-			Limine " [D.I. 22798]	conform to the		
				stipulation.		
			(3) "Plan Proponents' Objections "			
			[D.I. 22903]	(2) "Libby		
				Claimants,		
			(4) "Motion in Limine" [D.I. 23184]	Response to		
				PP's Motion		
				in Limine"		
				[D.I. 23019]		

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
Dobout I	14.6 10, 16.33	- (POSITION	
NOUGHL J.	14:0-18; 16:22-	**See above re 21 settled	(1) "Arrowood Motion to Strike "	(1) [Insurers']	Objections (2)-	
Wilkes	18:5; 20:13-15;	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Wilkes v.	21:15-19; 22:3-10;		23047] and Maryland Casualty ID I	edection	(T) Manicalised	
W.R. Grace	23-23-27-2-20-20-		2207, J. min mini Jania Casually [L.1.	resolved by		
ot al Cause	36.0. 37.11 10.		2300/J; (see also Objections' filed by	stipulation,	• 14:6-18: R	
No DV OC	30.2, 37.11~16;		Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 16:22-18:5: R	
NO. DV-96-	49:13-19; 51:8-16;		22892], and Maryland Casualty [D.I.	filing, [D.I.	■ 20.13.15. D	
60. 12/15/99	55:7-56:6.		[22896])	23330];	7.115.10. N	
				decise the	• 21:13-19: K	
			(2) "Dlan Duamanata" 1 (-1; -1)	designations	• 22:3-10: R	
			(2) rian rioponents motion in	noted here	• 23-23-27-2-B	
			Limine" [D.I. 22798]	conform to the	T. 22.72 CZ:CZ -	
				stinulation	▼ 29:20-33:14: K	
			(3) "Plan Proponents' Ohiections "	.v. Samua Jua	• 33:15-34:7: R,	
			(C) 200031	11: 207 (0)	Н	
			[7.1: 22703]	(2) "Libby	• 34.8.35.7. B	
				Claimants'	XI :3:00 00:00	
			(4) "Motion in Limine" [D.I. 23184]	Response to	• 33:5-6: K, H	
				PP's Motion	• 35:7-36:2: R	
				in Limine"	• 37:11-15: R	
				[D.I. 23019]	• 37:16-18: R, H	
					• 49:13-19: R	
					• 51:8-16: R	_
					• 55:7-56:6: R	

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
,					POSITION	
Andrew J.	6:7-25; 11:14-	**See above re 21 settled	(1) "Arrowood Motion to Strike"	(1) [Insurers']	Objections (2)-	
Wright	24:16.	individuals.	[D.I. 23018], joined by CNA [D.I.	objections	(4) Maintained	
Nelson &			23047], and Maryland Casualty [D.I.	resolved by		
Ryan v. W.R.			23087]; (see also "Objections" filed by	stipulation,	• 6:7-25: R	
Grace, et al.,			Arrowood [D.I. 22901]; CNA [D.I.	see 9/23/09	• 11:14-22:19: R	
Cause No.			22892], and Maryland Casualty [D.I.	filing, [D.I.	• 22:20-21: R. H.	
DV-98-107			22896])	23330];	Assumes Facts	
and No. DV-				designations	Not in	
98-100.			(2) "Plan Proponents' Motion in	noted here	Evidence	
12/16/99			Limine " [D.I. 22798]	conform to the	• 22-22-25- R	
				stipulation.	Assumes Facts	
			(3) "Plan Proponents' Objections "		Not in	
			[D.I. 22903]	(2) "Libby	Fyidence	
				Claimants,	23:1 15: D	
			(4) "Motion in Limine" [D.I. 23184]	Response to	• 23:16 17: P II	
				PP's Motion	• 23.10-1/. IV, II	
				in Limine"	• 23:10-24:10: K	
				[D.I. 23019]		

TESTIMONY SUMMARY FILED OBJECTIONS		FILED OBJECTIONS		FILED RESPONSE	PPS' CURRENT	COUNTER- DESIG.
					POSITION	
42:0 48:4; ; 70:18		 "Objections" filed by Arrowood D.I. 22901]; CNA [D.I. 22892], and Aaryland Casualty [D.I. 22896]) 			Objections (2)- (3) Maintained	
97:15. dangers in Libby to which (2) "Plan Proponents' Objections"	(2) "Plan Proponents' Objections					
were being exposed as a [D.I. 22903] result of Grace's Libby		D.I. 22903]				
•	•					
Evidence supports the 42:8-16: Relevance Libby Claimants'	• •	42:8-16: Relevance				
•	•	44:15-17: Relevance, Foundation				
•	•	44:18-20: Relevance				
for substantially similar 44.21-45:1: Relevance, Best Evid.	ss	44:21-45:1: Relevance, Best Evid.				
claims. • 48:19-52:10: Relevance		48:19-52:10: Relevance				
• 52:11-14: Relevance, Foundation	• 52:11-14: Relevance, Foundation	52:11-14: Relevance, Foundation				
• 52:15-54:17: Relevance	• 52:15-54:17: Relevance	52:15-54:17: Relevance		_		_
• 54:18-56:16: Relevance, Best Evid.	• 54:18-56:16: Relevance, Best Evid.	54:18-56:16: Relevance, Best Evid.				
• 56:17-20: Relevance, Foundation	• 56:17-20: Relevance, Foundation	56:17-20: Relevance, Foundation				
• 56:21-57:8: Relevance, Best Evid.	• 56:21-57:8: Relevance, Best Evid.	56:21-57:8: Relevance, Best Evid.				
• 5/:9-60:12: Relevance	• 5/:9-60:12: Kelevance	5/:9-60:12: Relevance				
• 60:16-25: Relevance, Best Evid.	• 60:16-25: Relevance, Best Evid.	60:16-25: Relevance, Best Evid.				
• 61:1-62:19: Relevance, Foundation,	• 61:1-62:19: Relevance, Foundation,	61:1-62:19: Relevance, Foundation,				•
Best Evid.	Best Evid.	Best Evid.				
• 62:20-63:24: Relevance, Best Evid.	• 62:20-63:24: Relevance, Best Evid.	62:20-63:24: Relevance, Best Evid.		_		
• 63:25-68:1 Relevance	• 63:25-68:1 Relevance	63:25-68:1 Relevance				
• 70:18-71:8 Relevance	• 70:18-71:8 Relevance	70:18-71:8 Relevance				
• 71:9-13: Foundation	• 71:9-13: Foundation	71:9-13: Foundation		-		
• 71:14-72:1: Relevance	• 71:14-72:1: Relevance	71:14-72:1: Relevance				
• 72:2-85:2: Relevance, Foundation,	• 72:2-85:2: Relevance, Foundation,	70.0_85.0. Deleviones Demodeties				
Best Evid.	Best Evid.	72.2-03.2. INDICABILE, FOURIDATION,				
85:3-6: Speculation	• 85:3-6: Speculation	Best Evid.				
• 85:7-25: Relevance	• 85:7-25: Relevance	Best Evid. 85:3-6: Speculation	_			
• 86:1-5: Foundation, Relevance	• 86:1-5: Foundation, Relevance	Best Evid. 85:3-6: Speculation 85:7-25: Relevance				

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
			• 86:6-87:8: Relevance			
			• 87:1-22: Foundation, Best Evid.			
			• 87:22- 88:1: Best Evid.			
			• 88:1-94:7: Foundation, Relevance,			
	_		Best Evid.			
			• 95:3-97:13: Best Evid., Relevance,			
			408			
			(3) "Plan Proponents' Motion in			
			Limine" [D.I. 22798]			

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
Poul Latter	26 1 200				POSITION	
Earl Lovick	25:1 – 222,	Admissions of W.R.	(1) "Objections" filed by Arrowood		Objections (2)-	
deposition,	including exhibits	Grace regarding its actual	[D.I. 22901]; CNA [D.I. 22892], and		(3) Maintained	
4/29/97, Dan		knowledge of the asbestos	Maryland Casualty [D.I. 22896])			
Schnetter v.		dangers in Libby to which				
Grace,		its workers and others	(2) "Plan Proponents' Objections"			
Nineteenth		were being exposed as a	[D.I. 22903]	-		
Judicial		result of Grace's Libby	7			
District		operations, which	(3) "Plan Proponents' Motion in			
Court,		evidence supports the	Limine" [D.I. 22798]			
Lincoln		Libby Claimants,				
County,		objection that the Plan				
Montana,		does not pay claimants				
Cause No.		based on historical values				
CDV-94-74		for substantially similar				
		claims.				

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Dr. Peter	11-79.		(1) "Objections" filed by Arrowood		Objection (2)	85:2-123:1
Lees,			[D.I. 22901]; CNA [D.I. 22892], and		Maintained	
Estimation			Maryland Casualty [D.I. 22896])			
Trial						
Transcript, In			(2) "Plan Proponents' Objections "			
re W.R.			[D.I. 22903]			
Grace & Co.,			,			
et al,			11-79: Relevance, Foundation,			
Debtors,			Hearsay, Rule 403, Expert Testimony			
Case No. 01-						
01139(JKF),						
3/24/08						

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT POSITION	DESIG.
Dr. Elizabeth 33 Anderson	33-41, 48-114.		(1) "Objections" filed by Arrowood		Objection (2)	41:16-47:19
Estimation Trial			[D.1. 22301]; CNA [D.1. 22892], and Maryland Casualty [D.I. 22896])		Maintained	115:24-233:5
Transcript, In			(2) "Plan Proponents' Objections"			
re w.ĸ. Grace & Co.,			[D.I. 22903]			
et al,			• 3-41: Relevance, Foundation,			
Debiors, Case No. 01-			Hearsay, Expert Testimony			
01139(JKF),			Rule 403, Hearsay, Expert			
3/26/08			Testimony, Legal Argument			
			• 61:1-25: Relevance, Foundation,			
			Rule 403, Hearsay			
			• 62:1-65:25: Relevance,	,		
			Foundation, Rule 403, Hearsay,			_
			Expert Testimony, Legal			
			Argument			
			• 66:1-67:1: Relevance, Foundation,			
			Rule 403, Hearsay			
			• 67:2-74:24: Relevance,			
.			Foundation, Rule 403, Hearsay,			
			Expert Testimony, Legal			
			Argument			
			• 74:25-75:25: Relevance,		-	
			Foundation, Rule 403, Hearsay			
-			• 76:1-77:25: Relevance,			
			Foundation, Rule 403, Hearsay,			
			Expert Testimony, Legal			
			Argument			
			• 78:1-79:1: Relevance, Foundation,	•		
			Rule 403, Hearsay			
			• 79:2-114: Relevance, Foundation,	_		
			Rule 403, Hearsay, Expert			-
			Testimony, Legal Argument			

NAME	TESTIMONY	SUMMARY	FILED OBJECTIONS	FILED	PPS'	COUNTER-
				RESPONSE	CURRENT	DESIG.
					POSITION	
Estimation	10-13; 25; 35.		(1) "Objections" filed by Arrowood		Objection (2)	
Trial			[D.I. 22901]; CNA [D.I. 22892], and		Maintained	
Transcript, In			Maryland Casualty [D.I. 22896])			
re W.R.						
Grace & Co.,			(2) "Plan Proponents' Objections"			
et al,			[D.I. 22903]			
Debtors,			1			-
Case No. 01-			• 10-13, 35; Relevance, Legal			•
01139(JKF),			Argument			
3/31/08			• 25: Relevance, Foundation,			
			Hearsay, Legal Argument, Lacks			
			Personal Knowledge			

AUSTERN DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES (Seaton, OneBeacon, GEICO, and Republic)

	n designation																								-
Plan Proponents'	No Objection	Objection	Maintained				No Objection	Objections	Maintained											Objection	Maintained				
Response to Objections		This testimony is admissible	background evidence. See	F.R.E. 401 adv. comm. note;	Conway v. Chem. Leaman Tank Lines. Inc., 525 F.2d	927, 930 (5 th Cir. 1975).		This testimony, offered as	background evidence,	concerns Mr. Austern's own	personal knowledge of his	selection as FCR,	irrespective of the source of	that knowledge. It is not	offered to ascertain the	contents or truth of any	publicly filed court papers	referenced by Mr. Austern in	his testimony.	This testimony is admissible	background evidence. See	F.R.E. 401 adv. comm. note;	Сопway v. Chem. Leaman	Tank Lines, Inc., 525 F.2d	
Objections	No Objection	Relevance					No Objection	Best	Evidence;	Foundation										Relevance					
Brief Summary†		Background	Information.					Background	Information.											Background	Information.				
Pages and Lines	p.12, 11.1-22	p.12, 1.23 to	p.17, 1.10				p.17, l.11 to p.19, l.23	p.19, 1.24 to	p.22, 1.22								_			p.22, 1.23 to	p.28, l.16				
Deponent	Austern	Austern					Austern	Austern												Austern					

The "Brief Summary" of testimony is not intended to be an exhaustive list of issues as to which the testimony relates. For a more complete and accurate understanding, please see the designated testimony. As previously discussed on the record, relevance will be more fully addressed in conjunction with post-trial briefing. -!--

Onents' Counter				on	on	on	oo	oo	oo	on	oo	oon	no	no
Plan Proponents'		c c		No Objection				- 0 ::						
Response to Objections	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927 930 (5th Cir. 1075)	Moreover, this testimony concerns Mr. Austern's own personal knowledge of the various asbestos claimants'	representatives appointed in	representatives appointed in this case.	this case. This testimony is admissible background evidence.	this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note;	this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5th Cir. 1975). In	representatives appointed in this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5th Cir. 1975). In particular, it identifies the	representatives appointed in this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note. Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975). In particular, it identifies the document used by Mr. Austern to refresh his	this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975). In particular, it identifies the document used by Mr. Austern to refresh his recollection.	this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975). In particular, it identifies the document used by Mr. Austern to refresh his recollection. This testimony is admissible background evidence. See	representatives appointed in this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975). In particular, it identifies the document used by Mr. Austern to refresh his recollection. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note;	this case. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975). In particular, it identifies the document used by Mr. Austern to refresh his recollection. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note. Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975). In particular, it identifies the document used by Mr. Austern to refresh his recollection. This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d
Objections	Best Evidence; Relevance			No Objection	No Objection Relevance	No Objection Relevance	No Objection Relevance	No Objection Relevance	No Objection Relevance	No Objection Relevance	No Objection Relevance Best Evidence;	No Objection Relevance Best Evidence; Relevance	No Objection Relevance Best Evidence; Relevance	No Objection Relevance Best Evidence; Relevance
Driei Summary	Background Information.				Background Information.	Background Information.	Background Information.	Background Information.	Background Information.	Background Information.	Background Information. Background Information.	Background Information. Background Information.	Background Information. Background Information.	Background Information. Background Information.
Lines	p.28, l.17 to			p.32, 1.13 to	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, l.13 to p.33, l.3 p.33, ll.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7	p.32, 1.13 to p.33, 1.3 p.33, 11.4-7 p.33, 11.8-12
Deponent	Austern			Austern	Austern	Austern	Austern	Austern	Austern	Austern	Austern	Austern	Austern	Austern

Deponent	Pages and Lines	Brief Summary†	<u>Objections</u>	Response to Objections	Plan Proponents' Current Position	Counter designation
-				concerns Mr. Austern's own personal knowledge of the identities of the TAC members.		
Austern	p.33, II.13-17		Relevance; Foundation; Speculative	Withdrawn.		
Austern	p.39, l.14 to p.40, l.21 p.41, ll.1-19	Two-trust structure.	Best Evidence; Relevance	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose of the	Objections Maintained	
				Plan's two-trust structure, the intended operation of the Plan's PI trust, and Mr. Austern's own personal knowledge with respect to other asbestos trusts.		
Austern	p.41, 1.20 to	Background Information.	Relevance	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5th Cir. 1975).	Objection Maintained	
Austern	p.42, 11.4-10		No Objection		No Objection	
Austern	p.42, ll.11-16	Two-trust structure.	Relevance	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose of the Plan's two-trust structure, the intended operation of the Plan's PI trust, and Mr.	Objection Maintained	

<u>Deponent</u>	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
				Austern's own personal knowledge with respect to PD claims against the Debtors.		
Austern	p.42, 1.17 to p.43, 1.5	Two-trust structure.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose of the Plan's two-trust structure, the intended operation of the Plan's PI trust, and Mr. Austern's own personal knowledge with respect to PD claims against the Debtors.	Objections Maintained	
Austern	p.43, 11.6-17		No Objection		No Objection	
Austern	p.43, 1.18 to p.44, 1.2	Background Information.	Relevance	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5th Cir. 1975).	Objection Maintained	
Austern	p.44, l.3 to p.47, l.3 p.47, ll.17-24 p.48, ll.8-18	Insurance Neutrality.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of the Plan's insurance neutrality language.	Objections Maintained	
Austern	p.48, 1.20 to p.49, 1.23	Insurance Neutrality.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's	Objections Maintained	

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
				proponents. This testimony concerns the purpose and intended operation of the Plan's insurance neutrality		
Austern	p.49, 1.24 to p.50, 1.4	Background Information.	Relevance	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927 930 (5 th Cir. 1975)	Objection Maintained	
Austern	p.50, 1.5 to p.52, 1.7	Insurance Neutrality.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of the Plan's insurance neutrality language.	Objections Maintained	
Austern	p.52, II.8-15 p.52, I.22 to p.54, I.6	Insurance Neutrality.	Relevance; Best Evidence; Foundation	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of the Plan's insurance neutrality language.	Objections Maintained	
Austern	p.54, l.21 to	Insurance Neutrality.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of the Plan's insurance neutrality	Objections Maintained	

Counter									_							-											-	
Plan Proponents' Current Position		No Objection	Objections Maintained								No Objection	Objections	Maintained									Objections	Maintained					
Response to Objections	language.		Mr. Austern is a party to this case and one of the Plan's	proponents. This testimony	concerns the purpose and intended operation of the	Plan's insurance neutrality	language, and the purpose	and intended operation of	the Plan's Successor Claims	Injunction.		Mr. Austern is a party to this	case and one of the Plan's	proponents. This testimony	concerns the purpose and	intended operation of the	Plan's insurance neutrality	language, and the purpose	and intended operation of	the Plan's Successor Claims	Injunction.	Mr. Austern is a party to this	case and one of the Plan's	proponents. This testimony	concerns the purpose and	intended operation of the	Plan's insurance neutrality	Janonage and the mirroge
Objections		No Objections	Relevance; Best Evidence								No Objection	Relevance;	Best Evidence									Relevance;	Best Evidence					
Brief Summary†			Insurance Neutrality; Scope	of Injunctions.							1	Insurance	Neutrality; Scope	of Injunctions.							,	Insurance	Neutrality; Scope	of Injunctions.				
Pages and Lines		p.55, 11.6-18	p.55, 1.19 to p.57, 1.10	p.57, 1.15 to	p.59, 1.2 p.59, 11.5-24	p.60, 11.6-16				20 11 10 22	p.ou, 11.19-23	p.61, 11.9-17	p.61, 1.20 to	p.63, 1.12								p.63, l.17 to	p.64, I.4	p.64, 11.5-9	p.64, l.14	-		
<u>Deponent</u>		Austern	Austern							Asset	Austern	Austern										Austern						

	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
				the Plan's Successor Claims Injunction.		
p.6; p.6	p.65, 1.2 to p.68, 1.18	TAC Conflicts.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's	Objections Maintained	
				proponents. This testimony concerns the purpose and		
				intended operation of certain		
				provisions of the Plan's Asbestos PI Trust		
				Agreement, and the nature		
				and scope of the TAC		
				members' inherent conflicts		
				of interest.		
9.0	p.68, 1.24 to	TAC Conflicts.	Relevance;	Mr. Austern is a party to this	Objections	
0.0	9, 1.23		Best	case and one of the Plan's	Maintained	
5.7	p.70, II.2-19		Evidence;	proponents. This testimony		
) i	0, 1.22 to		Foundation	concerns the purpose and		
∖ ì	3,1.19			intended operation of certain		
7.7	3, 1.24 to			provisions of the Plan's		
2.7 ₄	4, 1.21			Asbestos PI Trust		
5.7;	5, 11.13-19			Agreement, and the nature		
				and scope of the TAC		
				members' inherent conflicts		
Į.				of interest.		,
	p.75, 1.20 to	TAC Conflicts.	Relevance;	Mr. Austern is a party to this	Objections	
).(p./6, l.3		Best Evidence	case and one of the Plan's	Maintained	
				proponents. This testimony		
				concerns the purpose and		
				intended operation of certain		
				provisions of the Plan's		
				Asbestos P1 Irust		

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter
				Agreement, and the nature and scope of the TAC members' inherent conflicts of interest.		
Austern	p.76, 11.4-9	TAC Conflicts.	Relevance	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of certain provisions of the Plan's Asbestos PI Trust Agreement, and the nature and scope of the TAC members' inherent conflicts of interest.	Objection Maintained	
Austern	p.76, 1.10 to	TAC Conflicts.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of certain provisions of the Plan's Asbestos PI Trust Agreement, and the nature and scope of the TAC members' inherent conflicts of interest.	Objections Maintained	
Austern	p.80, II.4-21	TAC Conflicts.	Relevance; Best Evidence; Foundation	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of certain	Objections Maintained	

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
				provisions of the Plan's Asbestos PI Trust		
				Agreement, and the nature and scope of the TAC		
				members' inherent conflicts of interest.	-	
Austern	p.80, 1.22 to	Insurance	Relevance	Mr. Austern is a party to this	Objection	
	p.82, 1.13	Neutrality.		case and one of the Plan's	Maintained	
				proponents. This testimony		
				concerns the purpose and	-	
				intended operation of the		
				Plan and its Asbestos		
				Insurance Transfer		
				Agreement with respect to		
				the rights of insurers.		
Austern	p.82, 11.14-24		No Objection		No Objection	
Austern	p.83, 11.1-14	Insurance	Relevance;	Mr. Austern is a party to this	Objections	
		Neutrality.	Best Evidence	case and one of the Plan's	Maintained	
				proponents. This testimony		
				concerns the purpose and		
				intended operation of the		
				Plan and its Asbestos		
				Insurance Transfer		
				Agreement with respect to		
				the rights of insurers.		
Austern	p.83, 1.15 to	Insurance	Relevance	Mr. Austern is a party to this	Objection	
	p.84, 1.1	Neutrality.		case and one of the Plan's	Maintained	
				proponents. This testimony		
				concerns the purpose and		
				intended operation of the		
				Plan and its Asbestos		

<u>Deponent</u>	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents'	Counter
				Insurance Transfer Agreement with respect to the rights of insurers.		HOTHING TO A
Austern	p.84, II.2-19 p.84, II.22-23	Insurance Neutrality.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of the Plan and its Asbestos Insurance Transfer Agreement with respect to	Objections Maintained	
Austern	p.85, 11.1-4 p.85, 1.7 to p.86, 1.3 p.86, 11.6-8	Insurance Neutrality.	Relevance; Best Evidence; Foundation	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of the Plan and its Asbestos Insurance Transfer Agreement with respect to the rights of insurers.	Objections Maintained	
Austern	p.86, 11.9-13 p.86, 11.17-24	Insurance Neutrality.	Relevance; Best Evidence; Foundation; Withdrawn Question	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the purpose and intended operation of the Plan and its Asbestos Insurance Transfer Agreement with respect to	Objections Maintained	
Austern	p.87, 11.1-10	Insurance	Relevance;	Mr. Austern is a party to this	Objections	

Deponent	Pages and	Brief Summary†	Objections	Response to Objections	Plan Proponents'	Counter
	07 116				Current Position	designation
	p.8/, 1.15 to	Neutrality.	Best	case and one of the Plan's	Maintained	
	p.88, 1.3		Evidence;	proponents. This testimony		
_			Foundation	concerns the purpose and		
	_			intended operation of the		
				Plan and its Asbestos		
				Insurance Transfer		
				Agreement with respect to		
				the rights of insurers.		
Austern	p.88, 11.4-5		Relevance;	Mr. Austern is a party to this	Objections	
	p.88, II.9-17	Neutrality.	Best	case and one of the Plan's	Maintained	
	p.88, 1.23 to		Evidence;	proponents. This testimony		
	p.90, I.9		Foundation;	concerns the purpose and		
	p.90, 11.15-17		Speculative	intended operation of the		
				Plan and its Asbestos		
				Insurance Transfer		
				Agreement with respect to		
				the rights of insurers.		_
Austern	p.90, 1.22 to p.91, 1.8		No Objection		No Objection	
Austern	p.91, II.9-13	Background	Relevance	This testimony is admissible	Objection	
		Information.		background evidence. See	Maintained	
				F.R.E. 401 adv. comm. note;		
				Conway v. Chem. Leaman		
				Tank Lines, Inc., 525 F.2d		
				927, 930 (5 th Cir. 1975).		
Austern	p.91, 1.14 to	Insurance	Relevance;	Mr. Austern is a party to this	Objections	
	p.92, l.3	Neutrality.	Best Evidence	case and one of the Plan's	Maintained	
				proponents. This testimony		
				concerns the purpose and		
				intended operation of the		
				Plan and the Plan's Asbestos		

Counter	Hotan Hotan																
Plan Proponents' Current Position		No Objection	Objection Maintained		Objections Maintained						No Objection	Objections Maintained					No Objection
Response to Objections	PI Trust Distribution Procedures with respect to the rights of insurers.		This testimony is admissible background evidence. See	F.K.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927 930 (5th Cir., 1975)	Mr. Austern is a party to this case and one of the Plan's	proponents. This testimony	concerns the purpose and intended operation of the	Plan and the Plan's	Cooperation Agreement with	respect to the rights of insurers.		Mr. Austern is a party to this case and one of the Plan's	proponents. This testimony concerns the purpose and	intended operation of the Plan and the Plan's	Cooperation Agreement with respect to the rights of	insurers.	
Objections		No Objection	Relevance		Relevance; Best Evidence						No Objection	Relevance; Best	Evidence; Foundation				No Objection
Brief Summary†			Background Information.		Insurance Neutrality.		-			_		Insurance Neutrality.					_
Pages and Lines		p.92, 11.4-16	p.92, II.17-23		p.92, 1.24 to p.93, 1.21						p.93, 1.24	p.94, 11.1-4 p.94, 11.7-19				114 100 1	p.114, 1.22 to
Deponent		Austern	Austern		Austern						Austern	Austern				A 13 C + C + C + C + C + C + C + C + C + C	Austern

	Pages and Lines		Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
	p.115, ll.4-9 p.115, l.16 to p.116, l.10	Reimbursement Agreements.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony	Objections Maintained	
				concerns the purpose and intended operation of the Plan and the Asbestos PI Trust Distribution		
				Procedures with respect to the rights of reimbursement insurers.		
—,,,	p.153, 11.12- 23	Insurance Neutrality.	Relevance; Best	Mr. Austern is a party to this case and one of the Plan's	Objections Maintained	
		,	Evidence;	proponents. This testimony		
			Foundation	concerns the purpose and intended operation of the		
				Plan and the Plan's Asbestos		.,
				Procedures with respect to		
l				the rights of insurers.		
	p.171, 11.8-16 p.171, 1.23 to	TAC Conflicts.	Relevance; Speculative	Mr. Austern is a party to this case and one of the Plan's	Objections Maintained	
α	.172, L.3			proponents. This testimony		
				intended operation of certain		- "
				provisions of the Plan's		
				Asbestos PI Trust		
				Agreement, and the nature		
				members' inherent conflicts		•
- 1				of interest.		
1	p.172, 1.4 to	Assignment.	Relevance;	Mr. Austern is a party to this	Objections	

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter
	p.173, 1.7		Best Evidence	case and one of the Plan's	Maintained	
	p.173, 11.10-			proponents. This testimony		
	12			concerns the purpose and		
				intended operation of the		
				Plan with respect to the		
				assignment of insurance		
				rights.		
Austern	p.182, 1.21 to	Insurance	Relevance;	Mr. Austern is a party to this	Objections	
	p.183, 1.6	Neutrality.	Best	case and one of the Plan's	Maintained	
	p.183, II.8-11		Evidence;	proponents. This testimony		
	p.183, 1.15 to		Foundation	concerns the purpose and		
-	p.184, 1.10			intended operation of the		
				Plan and the Plan's Asbestos		
				PI Trust Distribution		
				Procedures with respect to		
				the rights of insurers.		
Austern	p.190, II.1-14	Background	Relevance	This testimony is admissible	Objection	
		Information.		background evidence. See	Maintained	
				F.R.E. 401 adv. comm. note;		
				Conway v. Chem. Leaman		
				Tank Lines, Inc., 525 F.2d		
				927, 930 (5 th Cir. 1975).		
Austern	p.190, 1.15 to	Insurance	Relevance;	Mr. Austern is a party to this	Objections	
	p.192, 1.19	Neutrality.	Violation of	case and one of the Plan's	Maintained	
			FRE 408	proponents. This testimony		
				concerns the purpose and		
				intended operation of the		
				Plan and the Plan's Asbestos		
				PI Trust Distribution		
			•	Procedures with respect to		
				the rights of insurers. This		

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter
				testimony is not offered to establish the validity or		
				amount of underlying asbestos claims, and		
				therefore its use is not		
				prohibited by F.R.E. 408.		
				See F.R.E. 408(a) & F.R.E. 408 adv comm notes		
Austern	p.205, 1.18 to	Background	Relevance	This testimony is admissible	Objection	
	p.206, 1.4	Information.		background evidence. See	Maintained	
				F.R.E. 401 adv. comm. note;		
				Conway v. Chem. Leaman		
				Tank Lines, Inc., 525 F.2d		
				927, 930 (5 th Cir. 1975).		
Austern	p.242, 1.18,	Background	Best	This testimony is admissible	Objections	
	p. 243, 1.23	Information.	Evidence;	background evidence. See	Maintained	
			Relevance	F.R.E. 401 adv. comm. note;		
				Сопway v. Chem. Leaman		
				Tank Lines, Inc., 525 F.2d		
				927, 930 (5 th Cir. 1975).		
				Moreover, this testimony		
				establishes foundation for		
				the following designated		
				passage.		
Austern	p.243, 1.24 to		Relevance;	Mr. Austern is a party to this	Objections	
	p.244, 1.14	Neutrality.	Best	case and one of the Plan's	Maintained	
			Evidence;	proponents. This testimony		
			Foundation	concerns the negotiation and		
				drafting of the Plan and Plan		
				Documents, including in		
				particular the participants in		

Deponent	Pages and Lines	Brief Summary+	Objections	Response to Objections	Plan Proponents' Current Position	Counter
				that process and the absence of any role for the Debtors' insurers, and Mr. Austern's personal knowledge with		
Austern	p.244, 1.15 to p.245, 1.5	Insurance Neutrality.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the negotiation and drafting of the Plan and Plan Documents, including in particular the participants in that process and the absence of any role for the Debtors' insurers, and Mr. Austern's personal knowledge with respect to the same	Objections Maintained	
Austern	p.245, 11.6-20	Insurance Neutrality.	Relevance; Best Evidence; Foundation	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the negotiation and drafting of the Plan and Plan Documents, including in particular the participants in that process and the absence of any role for the Debtors' insurers, and Mr. Austern's personal knowledge with respect to the same.	Objections Maintained	
Austern	p.245, 1.21 to p.246, 1.8	TAC Conflicts.	Relevance; Best	Mr. Austern is a party to this case and one of the Plan's	Objections Maintained	

	٢					
<u>Deponent</u>	<u>Fages and</u> Lines	Brief Summary*	Objections	Response to Objections	Plan Proponents'	Counter
	p.246, l.11 to		Evidence; Foundation	proponents. This testimony concerns the nature and scope of the TAC members' inherent conflicts of interest and Mr. Austern's personal knowledge with respect to the same.		ucolgination
Austern	p.247, 1.12 to	TAC Conflicts.	Relevance; Best Evidence	Mr. Austern is a party to this case and one of the Plan's proponents. This testimony concerns the nature and scope of the TAC members' inherent conflicts of interest and Mr. Austern's personal knowledge with respect to the same.	Objections Maintained	

FINKE 03/30/2009 DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES (Anderson Memorial Hospital)

Plan Counter Proponents Designation Current Position	None	None						
Response to Objections								
Objections	No Objection	No Objection to 8:21 - 11:1 Objection to 11:1 - 11:22: Relevance	Relevance	Relevance	Relevance	Relevance	M. Olivertien	ivo Objection
Brief Summary	Background - Employment History with WRG	Background - Duties and Responsibilities with WRG	Background - Duties and Responsibilities with WRG	Safe Buildings Alliance	Safe Buildings Alliance	Index to Documents Depository	Responsibility for	Anderson Pre-Bankruptcy
Pages and Lines	p. 4, 21 to p. 6, 16	p. 8, 21 to p. 11, 22	p. 12, 10 to p. 16, 8	p. 17, 23 to p. 18, 1, 4-10	p. 19, 20-24	p. 29, 18 to p. 31, 16	p. 33, 7-10	
Deponent	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke	03-30-09

<u>Deponent</u>	Pages and Lines	Brief Summary	Objections	Response to Objections	Plan Proponents Current Position	Counter Designation
03-30-09						
Finke 03-30-09	p. 39, 8-12, 19 to p. 40, 13	Anderson Reserve	No Objection			
Finke 03-30-09	p. 41, 4-15	Anderson Reserve	No Objection except those stated in this excerpt			
Finke 03-30-09	p. 42, 7-9	Anderson Reserve	No Objection			
Finke 03-30-09	p. 46, 6 to p. 47, 9	Mason Refill	Relevance			
Finke 03-30-09	p. 51, 17 to p. 53, 2, 6-15, 20 to p. 54. 1	SEC Statements and BMZ data base	No Objection			
Finke 03-30-09	p. 55, 5-23	BMZ and New Orleans material	No Objection			
Finke 03-30-09	p. 57, 3 to p. 58, 4, 8-14	Pre-Bankruptcy PI PID Documents	Relevance			
Finke 03-30-09	p. 61, 15 to p. 62, 8	Pre-Bankruptcy Knowledge and Assistance with Informational Brief	Relevance			
Finke	p. 65, 11 to	Knowledge of Judge	Relevance			

ter								
Counter Designation								
Plan Proponents' Current Position								
Response to Objections								
Objections		Relevance	Relevance; Fed. R. Evid. 408	Relevance; Fed. R. Evid. 408	Relevance	Relevance; Attorney Work Product	Relevance	Relevance
Brief Summary	Hayes Conditional Certification	Review of PD Claims after PD Bar Date	2005 Boca Raton Meeting and later emails and draft Stipulation	Discussions with Messrs. Siegel and Shelnitz re Boca Raton discussions	S&R's 2019	Preparation of Asbestos PD Evaluation Reports	Description of Asbestos PD Evaluation Reports and Distribution of same and discussions of S&R claims in-house	Distribution of Reports
Pages and Lines	p. 66, 24	p. 72, 7 to p. 73, 12	p. 74, 24 to p. 76, 2, 12-20	p. 77, 4-16	p. 81, 22 to p. 82, 15	p. 83, 13 to p. 84, 3	p. 85, 8 to p. 87, 19	p. 88, 18-23
Deponent	03-30-09	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke 03-30-09	Finke

<u>Deponent</u>	Pages and Lines	Brief Summary	Objections	Response to Objections	Plan Proponents' Current Position	Counter Designation
Finke 03-30-09	p. 92, 12 to p. 93, 16	Gateway Objections	Relevance			
Finke 03-30-09	p. 99, 4-24	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408; Speculation			
Finke 03-30-09	p. 103, 21 to p. 104, 11	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408			
Finke 03-30-09	p. 105, 5-9, 19 to p. 106, 6, 10-23	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408			
Finke 03-30-09	p. 107, 24 to p. 108, 10	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408			
Finke 03-30-09	p. 109, 19 to p. 111, 4, 11 to p. 112, 10	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408			
Finke 03-30-09	p. 113, 3-21	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408			
Finke 03-30-09	p. 114, 1, 18 to p. 115, 12, 17-21	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408			

<u>Deponent</u>	Pages and Lines	Brief Summary	Objections	Response to Objections	Plan Proponents' Current Position	Counter Designation
Finke 03-30-09	p. 116, 23-24	ZAI claims process	No Objection			
Finke 03-30-09	p. 117, 4-5, 7 to p. 118, 2, 6-8, 21 to p. 119, 1, 18-21	ZAI Trust Procedures and treatment of optouts	No Objection			
Finke 03-30-09	p. 120, 3-14	ZAI Settlement discussions	Relevance; Fed. R. Evid. 408			
Finke 03-30-09	p. 123, 21 to p. 125, 3, 14-24	WRG's October 23, 2003 submission of Dr. Corn in SC	Relevance			
Finke 03-30-09	p. 127, 13-17, 20-21, 23 to p. 128, 3, 5-6, 8-16	Notice re ZAI vs. Notice re Masonry Fill	Relevance			
Finke 03-30-09	p. 128, 17 to p. 129, 3	Denise Martin Report	Relevance			
Finke 03-30-09	p. 134, 1 to p. 139, 6, 20-21, 23 to p. 141, 1	MK3 Jobsite Invoices	Relevance			
Finke 03-30-09	p. 141, 2-9, 24 to p. 144, 15, 22 to p. 145, 4	2005 draft stipulation re S&R claims	Relevance; Fed. R. Evid. 408; Attorney			

<u>Deponent</u>	Pages and Lines	Brief Summary	Objections	Response to Objections	Plan Proponents' Current Position	Counter Designation
			- Client Privilege			
Finke 03-30-09	p. 146, 22 to p. 147, 10 p. 148, 3 to p. 151, 9	Listing and Treatment of Relevance PD Pre-filed cases	Relevance			
Finke 03-30-09	p. 153, 1-10	Discussion of Pre-filed cases	Relevance			
Finke 03-30-09	p. 155, 1 to p. 156, 22, 24 to p. 157, 1, 3-4	Discussion of Pre-filed cases	Best Evidence			

FINKE 03/30/20009 DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES (Seaton, OneBeacon, GEICO, and Republic)

	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
p.4 p.6 p.3 p.1 p.1	p.4, l.20 to p.6, l.16 p.32, ll.8-22 p.164, l.4 to p.166, l.21		No Objection		No Objection	
p.1	p.166, 1.22 to	Insurance Neutrality.	Relevance; Best Evidence	This testimony concerns the purpose and intended operation of the Plan and Plan Documents with respect to the rights of unsettled insurers. In particular, this testimony concerns the prepetition handling of claims against Debtors.	Objections maintained. In addition, pre- petition relationships between national and local Grace counsel are not relevant to operation of the plan or treatment of insurers	
P.1. P.1. P.1.	p.168, 1.2 to p.169, 1.3 p.175, 1.23 to p.176, 1.5		No Objection		No Objection	
р. р.	p.179, l.4 to	Insurance Neutrality.	Relevance	This testimony concerns the negotiation and drafting of the Plan and Plan Documents, including in particular the participants in	Objection maintained. In addition, drafting and negotiation of the Plan is not	

The "Brief Summary" of testimony is not intended to be an exhaustive list of issues as to which the testimony relates. For a more complete and accurate understanding, please see the designated testimony. As previously discussed on the record, relevance will be more fully addressed in conjunction with post-trial briefing.

Plan Proponents' Counter	1 001101	eover, Mr.	e stated he		not prepare	did not prepare Plan drafts and	not prepare drafts and not involved	oot prepare drafts and not involved ost of the	oot prepare drafts and not involved ost of the diations the	drafts and not involved ost of the triations the cers asked	did not prepare Plan drafts and was not involved in most of the negotiations the insurers asked about. Thus, most	drafts and not involved ost of the triations the rers asked tr. Thus, most e follow-up	drafts and not involved ost of the tiations the ters asked tr. Thus, most e follow-up tions lacked	drafts and not involved ost of the triations the rers asked tr. Thus, most e follow-up tions lacked dation.	oot prepare drafts and not involved ost of the triations the ters asked tr. Thus, most e follow-up trions lacked dation.	drafts and not involved ost of the triations the rers asked tr. Thus, most e follow-up trions lacked dation. cctions	oot prepare drafts and not involved ost of the viations the errs asked at. Thus, most e follow-up tions lacked dation. ctions itained. In ito, drafting	did not prepare Plan drafts and was not involved in most of the negotiations the insurers asked about. Thus, most of the follow-up questions lacked foundation. Objections maintained. In addition, drafting and negotiation of	drafts and not involved ost of the triations the errs asked tr. Thus, most e follow-up trions lacked dation. ctions ntained. In iton, drafting negotiation of lan is not	drafts and not involved ost of the vitations the errs asked tr. Thus, most e follow-up tions lacked dation. ctions ntained. In lion, drafting negotiation of lan is not ant.	drafts and not involved ost of the diations the errs asked tr. Thus, most e follow-up tions lacked dation. ctions trained. In tion, drafting negotiation of llan is not entry control ctions read.	drafts and not involved ost of the triations the erers asked tr. Thus, most e follow-up tions lacked dation. cctions ntained. In ion, drafting negotiation of lan is not ant. e stated he	drafts and not involved ost of the viations the rers asked tr. Thus, most e follow-up tions lacked dation. ctions negotiation of lan is not ant. e stated he tot prepare	drafts and not involved ost of the diations the ters asked tr. Thus, most e follow-up tions lacked dation. ctions trained. In tion, drafting negotiation of lan is not ant. cover, Mr. e stated he tot prepare drafts and	oot prepare drafts and not involved ost of the triations the erers asked tr. Thus, most e follow-up tions lacked dation. ctions ntained. In ion, drafting negotiation of lan is not ant. e stated he tot prepare drafts and not involved	drafts and not involved ost of the viations the errs asked tr. Thus, most e follow-up tions lacked dation. ctions negotiation of lan is not ant. e stated he tot prepare drafts and not involved ost the	oot prepare drafts and not involved ost of the triations the ters asked tr. Thus, most e follow-up tions lacked dation. ctions trained. In tion, drafting negotiation of lan is not ant. cover, Mr. e stated he tot prepare drafts and not involved ost the triations the	drafts and not involved ost of the triations the erers asked tr. Thus, most e follow-up tions lacked dation. ctions negotiation of lan is not ant. e stated he tot prepare drafts and not involved ost the triations the eres asked	did not prepare Plan drafts and was not involved in most of the negotiations the insurers asked about. Thus, most of the follow-up questions lacked foundation. Objections maintained. In addition, drafting and negotiation of the Plan is not relevant. Moreover, Mr. Finke stated he did not prepare Plan drafts and was not involved in most the negotiations the insurers asked about. Thus, most	oot prepare drafts and not involved ost of the triations the ters asked tr. Thus, most e follow-up tions lacked dation. ctions trained. In tion, drafting negotiation of lan is not ant. cover, Mr. e stated he tot prepare drafts and not involved ost the triations the ers asked tr. Thus, most e follow-up
	╫	btors' Moreover, Mr.		vith did not prepare	Plan draffs at	*** *** *** **** * * * * * * * * * * *	was not involved	was not involved in most of the	was not involve in most of the negotiations the	was not involving most of the negotiations the insurers asked	was not involin most of the negotiations insurers aske about. Thus,	was not involve in most of the negotiations the insurers asked about. Thus, mo of the follow-up	was not involved in most of the negotiations the insurers asked about. Thus, mos of the follow-up questions lacked	was not involin most of the negotiations rinsurers aske about. Thus, of the follow questions lac foundation.	0)	0)	0	n)	n	0 00	n	0 0	n	n	0 0	0 0	φ σ φ	0 0	n	0 0
Response to Objections	that process and the absence	of any role for the Debtors'	insurers, and Mr. Finke's	personal knowledge with	respect to the same.										This testimony concerns the	This testimony concerns the negotiation and drafting of	This testimony concerns negotiation and drafting the Plan and Plan	This testimony concerns negotiation and drafting the Plan and Plan Documents, including in	This testimony concerns the negotiation and drafting of the Plan and Plan Documents, including in particular the participants in	This testimony concerns the negotiation and drafting of the Plan and Plan Documents, including in particular the participants in that process and the absence	This testimony concerns the negotiation and drafting of the Plan and Plan Documents, including in particular the participants ir that process and the absence of any role for the Debtors'	This testimony concerns to negotiation and drafting of the Plan and Plan Documents, including in particular the participants that process and the absert of any role for the Debtor insurers, and Mr. Finke's	This testimony concerns negotiation and drafting of the Plan and Plan Documents, including in particular the participants that process and the abset of any role for the Debtor insurers, and Mr. Finke's personal knowledge with	This testimony concerns negotiation and drafting the Plan and Plan Documents, including ir particular the participant that process and the abse of any role for the Debto insurers, and Mr. Finke' personal knowledge with respect to the same.	testimony concerns tiation and drafting lan and Plan uments, including ir cular the participan process and the absort y role for the Debta ters, and Mr. Finke onal knowledge wit ect to the same.	testimony concerns thation and drafting lan and Plan uments, including ir cular the participan process and the absent rers, and Mr. Finke onal knowledge with ect to the same.	testimony concerns tiation and drafting lan and Plan uments, including ir cular the participan process and the absort yrole for the Debta rers, and Mr. Finke onal knowledge with ect to the same.	testimony concerns diation and drafting lan and Plan uments, including ir cular the participant process and the absenty role for the Debt it rers, and Mr. Finke onal knowledge witlect to the same.	testimony concerns that and Plan and Plan uments, including ir cular the participan process and the absort yrole for the Debte fers, and Mr. Finke onal knowledge with ect to the same.	testimony concerns tiation and drafting lan and Plan aments, including ir cular the participan process and the absort yrole for the Debta ters, and Mr. Finke onal knowledge with ect to the same.
Objections Res	that p	ofany	insure	perso	respe											J.Ce	nce	nce .	oce .	J.C.)ce	ace .	JC6) ce	J.C.	JC e	JC e	J.C.	JC -	JC C
								_							Relevance;	Releval Best Ev	Releval Best Ev	Relevan Best Ev	Releval Best Ev	Relevan Best Ev	Releval Best Ev	Releval Best Ev	Relevan Best Ev	Releval Best Ex	Releval Best Ev	Relevan Best Ev	Relevan Best Ev	Releval Best Ev	Relevan Best Ev	Relevan Best Ev
Brief Summary†															Insurance	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.	Insurance Neutrality.
Pages and Lines									_							p.183, 1.24 to 1														
Deponent		-						_								30)	30)	30)	30)	30)	30)	30)	30)	30)	30)	30)	30)	30)	30)	30)

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
Finke (Mar. 30)	p.184, 1.23 to p.185, 1.1 p.185, 11.6-18 p.185, 1.21 to p.187, 1.3		No Objection		No Objection	
Finke (Mar. 30)	p.189, 1.18 to	Background Information.	Relevance	This testimony is admissible background evidence. See F.R.E. 401 adv. Comm note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5th Cir.	Objection maintained. In addition, consultation with insurers in development of	
				1975). Moreover, this testimony establishes foundation for the following designated passage.	the Plan is not required, and consultation, or lack thereof, is not relevant.	
Finke (Mar. 30)	p.193, ll.1-22	Insurance Neutrality.	Best Evidence	This testimony concerns the purpose and intended operation of the Plan and Plan Documents with respect to the rights of insurers. Moreover, it is sumplemental to rather than	Objection maintained. In addition, the Plan provisions are better evidence of treatment of	
				cumulative to, the response to written discovery discussed in conjunction with Mr. Finke's testimony.	Finke's understanding, which is limited.	
Finke (Mar. 30)	p.194, ll.1-22	Insurance Neutrality.	Relevance; Best Evidence	This testimony concerns the purpose and intended operation of the Plan and Plan Documents with	Objection maintained. In addition, the Plan provisions are	

Deponent	Pages and Lines	Brief Summary*	Objections	Response to Objections	Plan Proponents' Current Position	Counter
				respect to the rights of	better evidence of	
				insurers. Moreover, it is	treatment of	
				supplemental to, rather than	insurers' under the	
				cumulative to, the response	Plan than Mr.	
				to written discovery	Finke's	
		-		discussed in conjunction	understanding,	
		_ _		with Mr. Finke's testimony.	which is limited.	
	p.195, 11.4-24		Relevance	This testimony is admissible	Objection	
	p.190, 11.1-15	Information.		background evidence. See	maintained. In	
				F.R.E. 401 adv. Comm	addition, Mr.	
				note; Conway v. Chem.	Finke's	
				Leaman Tank Lines, Inc.,	knowledge of Mr.	
				525 F.2d 927, 930 (5 th Cir.	Posner's review of	
				1975).	interrogatory	
					responses is	
_					neither	
					background	
-					evidence nor	
\dashv		,			relevant.	
	p.197, 1.19 to	Scope of	Best Evidence	This testimony concerns the	Objection	
	p.199, 1.6	Injunctions.		purpose and intended	maintained. In	
	p.199, 1.9			operation of the Plan and	addition, the Plan	
				Plan Documents with	provisions are the	
_				respect to certain injunctions	best evidence of	
				described in the Plan.	the scope of	
-+					injunctions.	
	p.200, 1.6 to	Background	Relevance	This testimony is admissible	Objection	
	p.201, 1.11	Information.		background evidence. See	maintained. In	
	_			F.R.E. 401 adv. Comm	addition, this	
				note; Conway v. Chem.	discussion of	
				Leaman Tank Lines, Inc.,	interrogatory	

	 -					
Deponent	<u>Fages and</u> Lines	Brief Summary+	Objections	Response to Objections	Plan Proponents'	Counter
					Current Fosition	designation
				525 F.2d 927, 930 (5 th Cir.	responses, of	
				1975).	which Mr. Finke	
					has no knowledge,	
					is not relevant as	
_					background	
					information or	
					otherwise.	

FINKE 05/13/2009 DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES (Fireman's Fund Insurance Company re "Surety Claim")

Counter Designation				279:9 -			
Plan Proponents' Current Position			Objection withdrawn	Objection withdrawn		Objection withdrawn	Objection withdrawn
Response to Objections							
Objections	None	None	277:9 - 277:13 Legal Opinion	277:16 - 278:2 Legal Opinion	None	282:19 - 283:1 Speculative	283:9 - 283:12 Speculative
Brief Summary							
Pages and Lines	264:20 - 266:2	266:4 - 268:18	277:9 - 277:13	277:16 - 278:2	281:7 - 281:11	282:19 - 283:1	283:9 - 283:12
Deponent	Richard Finke 05/13/2009	Richard Finke 05/13/2009	Richard Finke 05/13/2009	Richard Finke 05/13/2009	Richard Finke 05/13/2009	Richard Finke 05/13/2009	Richard Finke 05/13/2009

FINKE 05/13/2009 DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES (Seaton, OneBeacon, GEICO, and Republic)

-	designation																							
Plan Proponents'	No Objection					Objections	maintained. In	addition,	discussions or	negotiations	leading to the Plan	and/or draft plan-	related documents	are indeed	protected under	F.R.E. 408. See,	e.g, In re	Combustion	Eng'g, Case No.	03-10495 (JKF)	(Bankr. D. Del.	May 2, 2003)	(Hr'g Tr. at 301)	In re ACandS,
Response to Objections						This testimony concerns the	negotiation and drafting of	the Plan and Plan	Documents, including in	particular the participants in	that process and the absence	of any role for the Debtors'	insurers, a topic as to which	Mr. Finke was designated to	testify on behalf of the	Debtors pursuant to Fed. R.	Civ. P. 30(b)(6). See Finke	(May 13) Dep. Ex. 2, at 5, 9,	16. Moreover, this	testimony is not offered to	establish the validity or	amount of underlying	asbestos claims, and	therefore its use is not
Objections	No Objection					Relevance;	Violation of	FRE 408																
Brief Summary†						Insurance	Neutrality.																•	
Pages and Lines	p.11, 1.7 to p.14, 1.20	p.15, 1.3 to	p.18, 1.2	p.19, 1.0 to p.21, 1.15	p.23, 1.21 to p.26, 1.13	p.26, 1.14 to	p.28, l.14																	
Deponent	Finke (May 13)					Finke	(May 13)																	

The "Brief Summary" of testimony is not intended to be an exhaustive list of issues as to which the testimony relates. For a more complete and accurate understanding, please see the designated testimony. As previously discussed on the record, relevance will be more fully addressed in conjunction with post-trial briefing. -1-

Objections Response to Objections
prohibited by F.R.E. 408. See F.R.E. 408(a) & F.R.E.
408 adv. comm. notes.
_
Best This testimony concerns the
. Jo
FRE 408 Documents, including in
particular the participants in
that process and the absence
of any role for the Debtors'
insurers, a topic as to which
Mr. Finke was designated to
testify on behalf of the
Debtors pursuant to Fed. R.
Civ. P. $30(b)(6)$. See Finke
(May 13) Dep. Ex. 2, at 5, 9,
16. Moreover, this
testimony is not offered to
establish the validity or
amount of underlying
asbestos claims, and
therefore its use is not
prohibited by F.R.E. 408.
See F.R.E. 408(a) & F.R.E.
408 adv. comm. notes.

Counter		
Plan Proponents' Current Position	Objections maintained. In addition, discussions or negotiations leading to the Plan and/or draft plan- related documents are indeed protected under F.R.E. 408. See, e.g. In re Combustion Eng'g, Case No. 03-10495 (JKF) (Bankr. D. Del. May 2, 2003) (Hr'g Tr. at 301) In re A CandS, Inc., No. 02- 12687 (RJN) (Bankr. D. Del. Sept. 30, 2003) (Hr'g Tr. at 42-	Objection maintained. In addition, the Plan itself provides the best evidence of
Response to Objections	This testimony concerns the negotiation and drafting of the Plan and Plan Documents, including in particular the participants in that process and the absence of any role for the Debtors' insurers, a topic as to which Mr. Finke was designated to testify on behalf of the Debtors pursuant to Fed. R. Civ. P. 30(b)(6). See Finke (May 13) Dep. Ex. 2, at 5, 9, 16. Moreover, this testimony is not offered to establish the validity or amount of underlying asbestos claims, and therefore its use is not prohibited by F.R.E. 408. See F.R.E. 408(a) & F.R.E.	This testimony concerns the purpose and intended operation of the Plan and its Asbestos Insurance Transfer Agreement with respect to
Objections	Relevance; Best Evidence; Violation of FRE 408	Best Evidence
Brief Summary+	Insurance Neutrality.	Insurance Neutrality.
Pages and Lines	p.38, 1.22 to	p.43, II.4-9 p.43, II.17-23 p.44, II.1-21 p.44, I.24 to p.45, I.9
Deponent	13)	Finke (May 13)

Pages and Lines Brief D.46, 11.7-11	Brie	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
p.46, 1.16 p.47, 11.4-6 p.47, 11.9-11				foundational background information with respect to the designated passages which follow.	insurers. Moreover, this line of questioning forces Mr. Finke to speculate and	
p.47, ll.12-14 No Ob		No Ob	No Objection		asks for legal opinions. No Objection	
Insurance Neutrality.	Insurance Neutrality.	Best E	Best Evidence	This testimony concerns the purpose and intended operation of the Plan and its Asbestos Insurance Transfer	Objection maintained. In addition, the Plan	
				Agreement with respect to the rights of insurers.	best evidence to this line of duestioning.	
		No Obje	ction		No Objection	
p.55, II.5-10 Insurance Best Evidence p.56, I.5 to Neutrality. p.57, I.1 p.57, II.5-17		Best Evi	dence	This testimony concerns the purpose and intended operation of the Plan and its Asbestos PI Trust	Objection maintained. In addition, the TDP	
				Agreement and Asbestos PI Trust Distribution Procedures with respect to the rights of insurers.	provisions are the best evidence to these questions.	
p.58, 1.5 to p.59, 1.20		No Objec	tion		No Objection	
p.59, 11.21-24 TAC Conflicts. Best Evidence p.60, 11.3-16	TAC Conflicts.	Best Evid	ence	This testimony concerns the purpose and intended	Objection maintained. In	
p.ou, 1.22 to				operation of the Plan and its	addition, this line	

Plan Proponents' Counter		mulative of timony given Elihu selbuch on 14/2009, at Tr.	mulative of timony given Elihu selbuch on 14/2009, at Tr. . 32-36	mulative of timony given Elihu selbuch on 14/2009, at Tr. 32-36 Objection jections iintained.
CHIEF I DILLO				
		00-10.00	No Objecti	
		Z		
Asbestos PI Trust	Agreement and Asbestos PI Trust Distribution Procedures, and the nature and scope of the TAC members' inherent conflicts of interest.			This testimony concerns the purpose and intended operation of the Plan and its Asbestos PI Trust Agreement and Asbestos PI Trust Distribution Procedures, and the nature and scope of the TAC members' inherent conflicts of interest.
Response to Objections	Asbes Agree Trust Proce and so memb			
Oplections		No objections.	,	Relevance; Best Evidence
briei Summary				TAC Conflicts.
Lines	p.61, l.1	p.61, 11.2-10		p.61, II.13-24
<u>Deponent</u>		Finke (May 13)		

Counter						and the second s																							
Plan Proponents' Current Position	by Elihu	Inselbuch on	9/14/2009, at Tr.	pp. 32-39		-																							
Response to Objections	Mr. Finke's testimony was	based upon his review of the	Plan and Plan Documents	as assistant general connsel	and as the Debtors' Rule	30(b)(6) designee on the	topic of the negotiation and	drafting of the Plan and Plan	Documents. See Finke (May	13) Dep. Ex. 2, at 5, 9, 16.	Moreover, the mere	existence and general nature	of fiduciary duties owed by	the TAC members, in their	alternative roles as TAC	members and as counsel to	individual asbestos PI	claimants, is not a matter	directly at issue in this case,	but rather an ancillary issue	helpful to understanding and	determining the ultimate	issue of whether the TAC	members' inherent conflicts	of interest render the Plan	unconfirmable. Such	testimony is admissible	pursuant to F.R.E. 701. See	Eisenberg v. Gagnon, 766 F.2d 770, 780-81 (3d Cir.
Objections																													
Brief Summary†																										-			
Pages and Lines																						-							
<u>Deponent</u>							-	-																					

Counter																														
Plan Proponents' Current Position		No Objection	Objections	maintained. In	addition, this	questioning	continues to seek	legal opinion	regarding attorney	and TAC	members'	fiduciary duties	and is cumulative	of testimony given	by Elihu	Inselbuch on	9/14/2009, at Tr.	pp. 32-36 (as to	p.68, 1.23 to p.69,	1.5)										
Response to Objections	1985).		This testimony concerns the	purpose and intended	operation of the Plan and its	Asbestos PI Trust	Agreement and Asbestos PI	Trust Distribution	Procedures, and the nature	and scope of the TAC	members' inherent conflicts	of interest.		Mr. Finke's testimony was	based upon his review of the	Plan and Plan Documents	both in his day-to-day role	as assistant general counsel	and as the Debtors' Rule	30(b)(6) designee on the	topic of the negotiation and	drafting of the Plan and Plan	Documents. See Finke (May	13) Dep. Ex. 2, at 5, 9, 16.	Moreover, the mere	existence and general nature	of fiduciary duties owed by	the TAC members, in their	alternative roles as TAC	members and as counsel to
Objections		No Objection	Best	Evidence;	Seeking Legal	Opinion																								
Brief Summary†			TAC Conflicts.																								-			
Pages and Lines		p.68, 1.1	p.68, 1.23 to	p.69, 1.5	p.69, II.10-11																									
Deponent		Finke (May 13)	Finke	(May 13)																										

Objections
No Objection
Best Evidence; Seeking Legal Opinion

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
	p.83, l.13 to p.85, l.1 p.85, ll.4-11				also seeks legal opinions.	
	p.85, 1.14 to p.87, 1.2 p.87, 11 5-10					
	p.87, 11.13-18					
	p.89, 1.21 to p.89, 1.7 to p.89, 1.7 to p.90, 1.3					
Finke (May 13)	p.91, 11.1-19 p.91, 11.22-23 p.93, 1.21 to		No Objection		No Objection	
	p.94, l.7 p.94, ll.16-19					
Finke (May 13)	p.94, 1.20 to p.95, 1.7	Treatment of Settled Insurers'	Best Evidence;	This testimony concerns the purpose and intended	Objections maintained. In	
		Contractual Indemnity Claims.	Seeking Legal Opinion	operation of the Plan and Asbestos PI Trust Distribution Procedures with	addition, this line of questioning	
				respect to certain contractual indemnity claims held by	as to what Section 5.13 says and then	
				settled insurers.	demands legal and not factual	
Finke (May 13)	p.96, II.1-15 p.96, II.20-22	Insurance Neutrality;	Best Evidence;	This testimony concerns the purpose and intended	Objections maintained. In	
		Treatment of Settled Insurers' Contractual	Seeking Legal Opinion	operation of the Plan, the Plan's insurance neutrality language, and the Plan's	addition, this line of questioning asks for testimony	

Deponent	Pages and Lines	Brief Summary*	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
		Indemnity Claims.		Asbestos PI Trust Distribution Procedures with respect to certain contractual	asks for a legal analysis of Section 7.15(b) of	
				settled insurers.	the Plan.	
Finke (May 13)	p.101, 1.14 to p.102, 1.20		No Objection		No Objection	
	p.116, 11.5-8 p.116, 11.13-					
	23					
	p.117, 11.3-10					
	20 n 118 2-10					
	p.118, 1.13 to					
	p.119, l.14 p.119, ll.17-					
	20					
	p.119, 1.23 to					
	p.120, 1.6 n 121 116-18					
	p.121, 1.21 to					
	p.123, 1.15					
	p.123, 1.18 to					
	p.124, 1.5		,			
rilike (May 13)	p.125, 11.4-11 p.125, 1.14 to	Exculpation Provision.	Best Evidence:	This testimony concerns the purpose and intended	Objections maintained In	_
	p.126, 1.5		Seeking Legal	operation of the Plan's	addition, this	
	p.126, 11.8-13		Opinion	exculpation provision.	testimony asks	
-	p.126, 1.21 to n 127 1 14				Mr. Finke to	
1					interpret Section	

Pages and Lines	Brief Summary† O	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
				11.9 of the plan and is cumulative of testimony given by Mr. Finke on	
				9/14/2009 at Tr. p. 181.	
	o Z	No Objection		No Objection	
Treatment of Settled Insure Contractual Indemnity Claims.	of irers'	Relevance; Best Evidence; Seeking Legal Opinion	This testimony is admissible background evidence with respect to certain contractual indemnity claims held by settled insurers. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975).	This testimony seeks legal opinion on how the agreements operate. They speak for themselves, and Mr. Finch only has a cursory understanding.	
Background Information.		Relevance; Foundation	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975).	stand. No Objections (objections dropped)	
	No (No Objection		No Objection	

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
	p.289, II.7-21					
Finke	p.289, 1.22 to	Insurance	Relevance;	This testimony concerns the	Objections	
(May 13)	p.290, 1.4	Neutrality.	Seeking Legal Oninion	purpose and intended	maintained. In	
	p.291, 1.14			insurance neutrality	insurance	-
				language.	neutrality is a	
					legal concept and	
					questions about	
					the meaning of	
					insurance	
					neutrality seek a	
					legal opinion.	
Finke (May 13)	p.291, ll.18-		No Objection		No Objection	
Finke	p.291, 1.20 to	Insurance	Relevance;	This testimony concerns the	Objections	
(May 13)	p.292, 1.4	Neutrality.	Best	purpose and intended	maintained. In	
			Evidence;	operation of the Plan's	addition, 7.15	
			Seeking Legal	insurance neutrality	states how 7.15	
			Opinion	language.	operates. The	
					questions ask for	
					legal opinion	
					about a legal	
					construct.	
					Moreover, it asks	
					for Mr. Finke's	
					legal analysis of	
					previous	
					precedent.	
Finke			PP's counter.		The entire line of	p.292, II.12-17.
(May 13)					questions from p.	The line of
					290:20-292:17	questioning

Deponent	Pages and Lines	Brief Summary†	Objections	Response to Objections	Plan Proponents' Current Position	Counter designation
					seeks improper legal opinion.	asks Mr. Finke about legal conclusions the Court might or might or might not reach as to the Plan and the application of certain precedent in
Finke (May 13)	p.293, II.3-10 p.293, II.14- 17 p.293, II.20- 22 p.293, I.23 to p.293, I.23 to	Insurance Neutrality.	Relevance; Best Evidence; Seeking Legal Opinion	This testimony concerns the purpose and intended operation of the Plan's insurance neutrality language.	Objections maintained. In addition, these questions continue to impermissibly ask about Mr. Finke's understanding of	law.
Finke (May 13)	p.335, 11.7-14	Treatment of Settled Insurers' Contractual Indemnity Claims.	Best Evidence; Seeking Legal Opinion	This testimony concerns the purpose and intended operation of the Plan and Plan Documents with respect to certain contractual indemnity claims held by settled insurers.	Objections maintained. In addition, this questioning seeks testimony on legal issues, such as the basis for classification	
Finke (May 13)	p.335, 11.17- 23	Treatment of Settled Insurers'	Seeking Legal Opinion	This testimony concerns the purpose and intended	Objection maintained. In	

Pages and	Brief Summary†	Objections	Response to Objections	Plan Proponents'	Counter
			and the second second	Current Position	designation
	Contractual		operation of the Plan and	addition, this	
	Indemnity		Plan Documents with	questioning seeks	
	Claims.		respect to certain contractual	testimony on legal	
			indemnity claims held by	issues, such as the	•
			settled insurers.	basis for	
				classification	
				under the Plan.	_
p.337, 1.20 to		Relevance;	This testimony concerns the	Objections	
4	Neutrality.	Best	purpose and intended	maintained. In	
.1-7		Evidence;	operation of the Plan's	addition, this	
		Seeking Legal	insurance neutrality	testimony asks for	
		Opinion	language.	legal opinions as	
				to the operation of	
				the Plan.	
p.340, 11.6-7	Insurance	Relevance;	This testimony concerns the	Objections	
	Neutrality.	Best Evidence	purpose and intended	maintained. In	
			operation of the Plan's	addition, this	
			insurance neutrality	testimony asks for	
			language.	legal opinions as	
				to the operation of	
				the Plan.	

Case 01-01139-AMC

Doc 23576-1

Filed 10/27/09

Page 73 of 80

FLORENCE DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES (Anderson Memorial Hospital)

Deponent	Pages and Lines	Brief Summary	Objections	Response to	Plan ,	Counter
				Colections	Current Position	Designation
Florence 08-11-09	p. 8, 8-18	Background	*see footnote			
Florence 08-11-09	p. 9, 2-25	Background - Employment History	*see footnote			
Florence 08-11-09	p. 10, 2-25	Background - Employment History	*see footnote			
Florence 08-11-09	p. 11, 2-25	Background - Employment History	*see footnote			
Florence 08-11-09	p. 12, 2-25	Background - Employment History	*see footnote			
Florence 08-11-09	p. 13, 2-6, 14-22	Background - Work in asbestos bankruptcy and PD cases	*see footnote			
Florence 08-11-09	p. 14, 5-20	Identification and whereabouts of Daniel Rourke	*see footnote			

* The Plan Proponents object to the designation of any testimony from Dr. Florence. Anderson Memorial is impermissibly attempting to use Dr. Florence as an expert and Dr. Florence did not testify in the Confirmation Proceedings as an expert on these or any other matters.

Cas	se 01-0	1139-AMC	Doc 23576	-1 Filed 2	10/27/09	Page	74 of 80)
Counter Designation								
Proponents' Current Position								
Response to Objections								
Objections	*see footnote	Relevance; Foundation; Speculation *see footnote	Relevance; Speculation *see footnote	Relevance; Speculation *see footnote	Relevance *see footnote	Relevance *see footnote	Relevance *see footnote	Relevance *see footnote
Brief Summary	Work in 1990's for WRG with Rourke	Discussion of Exhibit 2, 1995 Report	1995 Work for WRG with Dr. Rourke	Expertise to do PD work if WRG had requested in the bankruptcy	2007 PI Estimation	2007 PI Estimation	2007 PI Estimation	2007 PI Estimation
Pages and Lines	p. 22, 5-15, p. 23, 5-6	p. 23, 12-17, p. 24, 14-17, 20-25, p. 25, 2-10, 13-19 p. 26, 5-7, 10-21	p. 27, 11-16 p. 28, 10-18	p. 33, 3-8, 11-22, p. 34, 3	p. 34, 20-25	p. 35, 2-4, 9, 13-16, 21, 22-25	p. 36, 2, 20-25	p. 37, 2-6, 9-25
<u>Deponent</u>	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09

Ca	se 01-0	1139-AN	IC Doc	23576-	1 Filed	10/27/0	9 Page	e 75 of 80
Counter Designation								Plan Proponents' Counter Designations to Anderson Memorial's Designations of
Plan Proponents Current Position								
Response to Objections								
Objections	Relevance *see footnote	Relevance *see footnote	Relevance *see footnote					
Brief Summary	2007 PI Estimation	2007 PI Estimation	2007 PI Estimation					
Pages and Lines	p. 38, 2-25	p. 39, 2-3	p. 41, 2-25	p. 42, 2-9	p. 43, 5-25	p. 44, 2-25	p. 45, 3-6, 20-22	
Deponent	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	Florence 08-11-09	

									_								
Counter Designation	Florence are:	07/30/2002	Robert Beber	Deposition	7:6 - 7:11;	7:19 - 9:25;	17:1 - 17:23;	17:24 - 20:23;	21:9 - 21:22;	24:5 - 24:24;	33:24 - 34:6;	50:16 - 51:17;	58:12 - 59:13;	60:8 - 67:3;	70:15 - 70:22;	82:10 - 83:10;	134:13 - 135:4
Proponents' Current Position																	
Response to Objections																	
Objections																	
Brief Summary																	
Pages and Lines																	
Deponent						-							-				

HUGHES DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES

(Anderson Memorial Hospital)

Counter Designation						
Proponents' Current Position						
Response to Objections						
Objections	No Objection	Relevance	Relevance	Relevance	Relevance	Relevance; Privilege
Brief Summary	Background - Positions and Responsibilities with WRG	Document Collections and Indices	Privileged Documents and Index	Instructions re Other Document Collections	Background - Responsibility for PI Cases and Processing of Information	Background - Responsibility for PI Cases and Processing of Information
Pages and Lines	p. 397, 21 to p. 399, 22	p. 399, 22 to p. 400, 12 to p. 402, 3, 6 to p. 403, 22	p. 404, 13-20, 22 to p. 405, 1 and p. 406, 6-12	p. 406, 13-24, p. 407, 1-24, p. 408, 1-24, p. 409, 1-8	p. 409, 9 to p. 410, 18	p. 410, 19 to p. 411, 19
Deponent	Hughes 06-11-09	Hughes 06-11-09	Hughes 06-11-09	Hughes 06-11-09	Hughes 06-11-09	Hughes 06-11-09

Deponent	Pages and Lines	Brief Summary	Objections	Response to Objections	Plan Proponents Current Position	Counter Designation
Hughes 06-11-09	p. 412, 3-17, 22 to p. 413, 7	Background - Responsibility for PI Cases and Processing of Information	Relevance; Privilege			
Hughes 06-11-09	p. 413 ,8-15	Background - Responsibility for PI Cases and Processing of Information	Relevance			
Hughes 06-11-09	p. 413,16 - 20	Background - Responsibility for PI Cases and Processing of Information	Relevance; Privilege			
Hughes 06-11-09	p. 414 1-15, 18 to p. 415, 1, 6-11, 13, 19 to p. 416, 12, 15 to p. 417, 5, 8-14	Background - Responsibility for PI Cases and Processing of Information	p. 414 2-7 No Objection p. 414, 8 - p. 415, 1 Relevance;; Privilege p. 415, 8- p. 415, 8- p. 415, 8- Relevance			

Case 01-01139-AMO	Doc 23576-1	Filed 10/27/09	Page 79 of 80
Case or-orass-Wind	DOC 53210-T	FIIEU 10/2//09	raye 19 01 00

HUGHES DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES

(Arrowood)

Admitted Trial Exhibit	A-82 A-12 No
Deposition Exhibit	Exhibit 13 Exhibit 14 Exhibit 1
Plan Counter Proponents' Designations Current Position	
Plan Proponents' Current Position	None
Objections Responses Plan to Prope Objections Curr	None
Objections	None (admitted for all purposes on Sept. 15, 2009)
Brief Summary†	Grace and Arrowood reject BNSF's claims for coverage for asbestos related claims under the Zonolite policies
Pages and Lines	p. 361, 1.22 to p. 378, 1.24
Deponent	Hughes p. 36 (June 11, 1.22 2009 p. 37 Deposition) 1.24

† The "Brief Summary" is not intended to be an exhaustive list of issues as which the testimony relates. For a more complete and accurate understanding, please see the designated testimony.

HUGHES DEPOSITION DESIGNATIONS, OBJECTIONS, AND RESPONSES (Seaton, OneBeacon, GEICO, and Republic)

Deponent	Pages and	Brief Summary†	Objections	Response to Objections	Plan Proponents'	Counter
Hughes	p.13, 11.20-23	Background Information.	No Objection		No Objection	designation
Hughes	p.13, 1.24	Background Information.	Relevance	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5th Cir. 1975).	No Objection	
Hughes	p.14, 11.1-16	Background information.	No Objection		No Objection	
Hughes	p.14, l.17 to	Background Information.	Relevance	This testimony is admissible background evidence. See F.R.E. 401 adv. comm. note; Conway v. Chem. Leaman Tank Lines, Inc., 525 F.2d 927, 930 (5 th Cir. 1975).	Objection maintained. In addition, Jay Hughes' supervisors in the 1990s and deposition preparation are not relevant to any matters at issue.	
Hughes	p.16, ll.1-5 p.16, l.16 to p.17, l.12 p.19, ll.13-23	Responsibilities with respect to insurance disputes concerning asbestos claims prepetition.	No Objection		No Objection	

The "Brief Summary" of testimony is not intended to be an exhaustive list of issues as to which the testimony relates. For a more complete and accurate understanding, please see the designated testimony. As previously discussed on the record, relevance will be more fully addressed in conjunction with post-trial briefing.